

Adoption Procedures in California

What Physicians Should Know About Them

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SUMMARY

With demand for adoptable babies offered through agencies far exceeding the supply, independent and "black market" adoptions have increased.

Although adoptions through agencies are looked upon as better ultimately for both the child and the foster parents, the process is a slow one and the period of waiting for a suitable child often discouragingly long. In this regard an increase in the number of agencies would be helpful, but little use has been made of legislation permitting the organization of such agencies in California counties. There are many ways by which physicians may promote adoptions through existing agencies and the setting up of additional organizations for the purpose.

PROCEDURES for adoption of children in California have been criticized by the public and the medical profession, and critical articles have been published in magazines and newspapers. Complaints are based mainly on the prolonged waiting period between the time a couple applies to adopt a baby and the actual adoption. With the demand for adoptable babies much greater than the supply, the number of independent adoptions and "black market" adoptions has increased apace. In the interest of clarification, the Alameda County Medical Association appointed a committee to review the existing situation and to make recommendations. In the course of its work the committee has reviewed the report of the California Adoption Survey Committee (published in November, 1946), which is the principal source of information upon which this presentation is based.

The State of California recognizes four types of adoptions: (1) independent adoptions; (2) agency adoptions; (3) step-parent adoptions; (4) adoptions of illegitimate child by natural father. The latter two are not a concern of the medical profession, although step-parent adoption comprises almost half of all adoptions.

In independent adoptions a petition is filed with the superior court of jurisdiction by the prospective adopting parents with whom the child has been placed directly by the natural parent or parents. The State Department of Social Welfare or county adoption agency is responsible for obtaining necessary consents and investigating and reporting to the court on adoptions of this type. One hundred and

eighty days are allowed for investigation to determine whether the child is adoptable and whether the home in which it has been placed is suitable. If the determination cannot be made within that time, however, the court may grant an extension.

In agency adoptions the parent or parents relinquish the child to a licensed adoption agency which selects from the applicants who have been studied and approved by it, the adoptive parents it considers best able to meet the needs of the particular child. After the child is placed in the adoptive home it remains under the supervision of the agency for one year before the agency will give its final approval to the adoption. Then jointly with the adopting parents it petitions the court to grant the adoption.

There is no doubt that adoption agencies make generally better placements from the point of view of the baby, the natural parents and the adoptive parents than is accomplished by independent adoptions.

The legal and practical implications of *relinquishment* (to an agency) as compared to *consent* (in independent adoptions) are numerous.

1. In agency adoptions by *relinquishment*, the legal custody of the child rests with the agency until adoption is completed. In independent adoptions the signing of *consent* by the natural parents does not terminate their right to, or responsibility for, the child, nor does this act without further proceedings transfer custody of the child to the adopting parents. Therefore, should the natural parents have a change of heart before the petition for adoption has been filed in the superior court in the county in which the petitioner resides, they may take the child back.

2. In agency adoptions by *relinquishment*, the identity of the child is lost to the natural parents, while in *consent* adoptions the natural parents are aware of the identity of the adopting parents. In the latter case, should the natural parents have a desire to see or contact the child, a great deal of embarrassment could be caused. Frequently this has happened.

3. In agency adoptions, a thorough investigation of *both* the natural parents, the child, and the adoptive home is made before any baby is placed. As far as the natural parents are concerned, this means the *relinquishment* has been signed, an investigation has been made to determine whether either parent has physical or mental defects, and a social history of the parents has been completed, including such things as racial background, religion, and social background. With this knowledge, the child can be matched appropriately with adopting parents. The child also is observed for physical or mental defects

which might make it unsatisfactory to its future parents. By these means, unfortunate adoption of a baby of one racial background by parents of another, or the placing of a baby of low mentality with parents of high intelligence, can be avoided.

Of almost as much importance is the investigation of the adopting parents to determine their social stability, their relative financial security, their racial and religious background.

In independent adoptions the investigation by the State Department of Social Welfare or the county adoption agency is made *after* the placement has been made. The Department has no authority in such cases until the petition for adoption has been filed, which may occur weeks, months, or even years after the placement. The natural parents often make no investigation of the home of the persons to whom the child is released, and frequently the persons accepting the child know little or nothing of the child's background or potentialities.

If it is agreed that agency adoptions are preferable to the independent adoption method, facilities for adoption through agencies should be increased. For the 18 months ended June 30, 1947, there were 494 petitions for independent adoptions filed in Alameda County, 53 per cent for adoption of illegitimate children. In this same period there were only 144 relinquishments to adoption agencies.

There are two volunteer agencies in this state which are licensed by the California Department of Social Welfare to handle adoptions—the Children's Home Society and the Native Sons and Daughters Central Committee on Homeless Children. Both are private agencies whose financial support comes from voluntary contributions. They have done and are doing a very efficient job but their finances and personnel are so limited that it has been impossible for them to increase their case load. It is difficult for them to maintain even their pre-war quantity.

As a result of the recommendations of the California Adoption Survey Committee and various other interested individuals and agencies, the 1947 Legislature amended the adoption laws to provide for the licensing of county adoption agencies, the agency to be designated by the county board of supervisors. In order to be licensed the agency must meet the standards for child placing agencies adopted by the State Social Welfare Board, the same standards being applicable to private and public adoption agencies. The administrative costs of the program will be paid from state funds and a portion of the cost for the care of the child prior to placement for adoption may also be paid from state funds. The agency may charge the adopting parents for the costs of care of the child up to \$200 and will be reimbursed by the state up to \$200 on any additional costs.

San Diego County Department of Public Welfare is the only county agency which has been licensed so far. No other has filed an application, although a number have shown interest and are considering it.

Certain safeguards are provided to protect the child who is given up by his parents. The law provides that it is a misdemeanor for any person (other than the parent) or organization or agency to place a child under 16 years of age either for temporary care or for adoption without having a written license or permit to do so. A regulation of the State Department of Public Health provides that any hospital or maternity home dismissing an infant from the hospital to a person other than the parent or relative must report the fact to the State Department of Social Welfare within 24 hours.

There are certain other facts in regard to adoptions that it would be well to know. The petition for adoption must be filed in the superior court of the county in which the persons adopting the child reside. The law was amended by the 1947 Legislature to provide that the hearing shall be in private with all persons excluded except the officers of the court, the child, the adopting parents, their counsel, and the representatives of the agency present to perform their official duties. The records of the adoption in the office of the county clerk are regarded as confidential and are not open to inspection by any persons other than the parties to the action and the State Department of Social Welfare, except on the written authority of the court. After adoption, the child has all the legal rights of the natural child, and may have a new birth certificate issued in his new name as though he were the natural child of the adopting parents, and this certificate is the only one open to public inspection.

Now that increased facilities can be established making it possible to speed up the process of adoption, those wishing to promote adoptions through agencies may do so by:

1. Supporting and urging an increase in facilities and personnel of existing volunteer agencies.
2. Encouraging prompt action by county welfare departments to set up the necessary machinery whereby adoption may be more readily accomplished. This should include well trained personnel and adequate rules so that the best end results may be obtained.
3. Referring any patient who contemplates having her child adopted to some agency which can advise her of available facilities.

The present volunteer agencies may be contacted through their district offices:

Children's Home Society of California

3100 W. Adams Street, Los Angeles 16, California
(State Headquarters)

995 Market Street, San Francisco 3

645 A Street, San Diego 1, California.

Native Sons and Daughters Central Committee on Homeless Children

1095 Market Street, San Francisco 3

3924 Sunset Boulevard, Los Angeles, California.

360 Twenty-Ninth Street.